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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,604	05/19/2004	Ram V. Chary	1020.P19074	6727
57035	7590	04/01/2008	EXAMINER	
KACVINSKY LLC			SOBUTKA, PHILIP	
C/O INTELLEVATE				
P.O. BOX 52050			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			2618	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/849,604

Applicant(s)

CHARY, RAM V.

Examiner

PHILIP J. SOBUTKA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13, 14 and 19 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11, 12, 15-18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2,7,8,13,14, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bahl et al (US, 7,099,689).

Consider claim 1. Bahl teaches a system, comprising:

an antenna (figure 1, items 166,176, column 4, lines 18-20) ;

a radio management module to connect to said antenna (see for example figure 1, item 110, figure 4 column 10, lines 8-20), said radio management module to comprise:

a set of application modules 1-M (see figure 4, items 428);

a set of radios 1-N (see figure 1, item 150, column 4, lines 10-18, 53-64); and

a power management module to connect to said application modules 1-M and said radios 1-N, said power management module to receive a request for a data connection from one of said application modules 1-M, select a data connection radio from said set of radios 1-N in accordance with a radio selection policy, and establish

said data connection using said data connection radio (see for example column 2, lines 59-68, column 7, lines 59-68).

Consider claim 2. Bahl teaches the system of claim 1, wherein said radio selection policy comprises a set of rules to select said data connection radio based on a power source for said radios (note that the rules are based on the level of the battery see column 2, lines 59-68, column 7, lines 59-68).

Consider claim 7. Bahl teaches an apparatus, comprising:
a set of application modules 1-M (see figure 4, items 428);
a set of radios 1-N (see figure 1, item 150, column 4, lines 10-18, 53-64); and
a power management module to connect to said application modules 1-M and said radios 1-N, said power management module to receive a request for a data connection from one of said application modules 1-M, select a data connection radio from said set of radios 1-N in accordance with a radio selection policy, and establish said data connection using said data connection radio (see for example column 2, lines 59-68, column 7, lines 59-68).

Consider claim 8. Bahl teaches the apparatus of claim 7, wherein said radio selection policy comprises a set of rules to select said data connection radio based on a power source for said radios (see for example column 2, lines 59-68, column 7, lines 59-68).

Consider claim 13. Bahl teaches a method, comprising: receiving a request for a data connection from an application executed by a wireless device; selecting a data connection radio from at least two radios accessible by said wireless device in accordance with a radio selection policy; and establishing said data connection using said data connection radio (see for example column 2, lines 59-68, column 7, lines 59-68).

Consider claim 14. Bahl teaches the method of claim 13, wherein said radio selection policy comprises a set of rules to select said data connection radio based on a power source for said radios (see for example column 2, lines 59-68, column 7, lines 59-68).

Consider claim 19. Bahl teaches an article comprising: a storage medium; said storage medium including stored instructions that, when executed by a processor (note that Bahl teaches the multi radio arrangement being stored as instructions on storage media see for example column 10, lines 34-46), are operable to receive a request for a data connection from an application executed by a wireless device, select a data connection radio from at least two radios accessible by said wireless device in accordance with a radio selection policy, and establish said data connection using said data connection radio (see for example column 2, lines 59-68, column 7, lines 59-68).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, 4,9,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahl in view of Tada (US 7020467).

Consider claim 3. Bahl teaches the system of claim 1, but lacks a teaching of further comprising a power source interface to connect to the power management module, said power source interface to indicate a connection to an external power source or an internal power source. Tada teaches a battery power device with which signals whether the power supply is internal or external, note that Tada's external power is AC while the internal battery is DC (Tada figure 14, column 11, lines 45-55, column 12, and lines 20-50). It would have been obvious to one of ordinary skill in the art to

modify Bahl to use the power monitor of Tada in order to determine whether power usage should be minimized.

4. Bahl in The system of claim 3, wherein said external power source comprises an alternating current power supply, and said internal power source comprises a direct current power supply (note that Tada's external power is AC while the internal battery is DC, Tada figure 14, column 11, lines 45-55).

Consider claim 9. Bahl teaches the apparatus of claim 7, but lacks a teaching of further comprising a power source interface to connect to said power management module, said power source interface to indicate a connection to an external power source or an internal power source. Tada teaches a battery power device with which signals whether the power supply is internal or external, note that Tada's external power is AC while the internal battery is DC (Tada figure 14, column 11, lines 45-55, column 12, lines 20-50). It would have been obvious to one of ordinary skill in the art to modify Bahl to use the power monitor of Tada in order to determine whether power usage should be minimized.

Consider claim 10. Bahl in view of Tada teaches the apparatus of claim 9, wherein said external power source comprises an alternating current power supply, and said internal power source comprises a direct current power supply (note that Tada's external power is AC while the internal battery is DC, Tada figure 14, column 11, lines 45-55).

Allowable Subject Matter

6. Claims 5,6,11, 12, 15-18, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claim 5. The nearest prior art as shown in Bahl fails to teach the system of claim 3, wherein said power management module selects said data connection radio using a set of radio bandwidth values corresponding to said radios 1-N if said power source interface indicates a connection to an external power source.

Consider claim 6. The nearest prior art as shown in Bahl fails to teach the system of claim 3, wherein said power management modules selects said data connection radio using a set of radio power cost values corresponding to said radios 1-N if said power source interface indicates a connection to an internal power source.

Consider claim 11. The nearest prior art as shown in Bahl fails to teach the apparatus of claim 9, wherein said power management module selects said data connection radio using a set of radio bandwidth values corresponding to said radios 1-N if said power source interface indicates a connection to an external power source.

Consider claim 12. The nearest prior art as shown in Bahl fails to teach the apparatus of claim 9, wherein said power management modules selects said data

connection radio using a set of radio power cost values corresponding to said radios 1-N if said power source interface indicates a connection to an internal power source.

Consider claim 15. The nearest prior art as shown in Bahl fails to teach the method of claim 13, wherein selecting said data connection radio comprises: retrieving a radio bandwidth value and a radio power cost value for each radio; determining whether said radios are using an external power source or an internal power source; selecting said data connection radio using said radio bandwidth values if said radios are using said external power source; and selecting said data connection radio using said radio power cost values if said radios are using said internal power source.

Consider claim 20. The nearest prior art as shown in Bahl fails to teach the article of claim 19, wherein the stored instructions, when executed by a processor, select said data connection radio using stored instructions operable to retrieve a radio bandwidth value and a radio power cost value for each radio, determine whether said radios are using an external power source or an internal power source, select said data connection radio using said radio bandwidth values if said radios are using said external power source, and select said data connection radio using said radio power cost values if said radios are using said internal power source.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kazakevich (US 20040106441) and Yamaoka (US 7062302) have been cited to show other multi radio power control arrangements.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobotka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

9. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip J Sobutka/
Primary Examiner, Art Unit 2618

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